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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Shawn Cross,

Plaintiff,

vs.

Goldon Nugget Hotel & Casino, *et al.*,

Defendants.

Case No. 2:22-cv-00611-JAD-VCF

Report and Recommendation for Dismissal

I previously granted pro se plaintiff Shawn Cross's application to proceed in forma pauperis and dismissed his complaint without prejudice with leave to amend. ECF No. 14. I gave plaintiff thirty days to file an amended complaint and warned that, "[f]ailure to timely file an amended complaint that addresses the deficiencies noted in this Order may result in a recommendation that the dismissed claims be dismissed with prejudice." *Id.* Plaintiff has not timely filed an amended complaint or an objection to my order. For the reasons discussed in my previous order (ECF No. 14), plaintiff's case should be dismissed.

ACCORDINGLY,

I RECOMMEND that this action be DISMISSED and Judgment entered.

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file

1 objections within the specified time and (2) failure to properly address and brief the objectionable issues
2 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
3 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
4 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file
5 written notification with the court of any change of address. The notification must include proof of
6 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by
7 counsel. Failure to comply with this rule may result in dismissal of the action.

8 IT IS SO ORDERED.

9 DATED this 5th day of January 2023.

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11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
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